# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

|                              | §        |                                |
|------------------------------|----------|--------------------------------|
|                              | §        |                                |
| WSOU INVESTMENTS, LLC d/b/a, | §        |                                |
| <b>BRAZOS LICENSING AND</b>  | §        |                                |
| DEVELOPMENT                  | §        | CIVIL ACTION 6:20-CV-00574-ADA |
|                              | §        | CIVIL ACTION 6:20-CV-00577-ADA |
| Plaintiff,                   | §        | CIVIL ACTION 6:20-CV-00578-ADA |
| v.                           | §        | CIVIL ACTION 6:20-CV-00581-ADA |
|                              | 8        | CIVIL ACTION 6:20-CV-00582-ADA |
| GOOGLE LLC,                  | 8        |                                |
|                              | <b>§</b> | JURY TRIAL DEMANDED            |
| Defendant.                   | 8        |                                |
| <i>= 9,0</i>                 | 8        |                                |
|                              | 8        |                                |
|                              | 8        |                                |
|                              | 8        |                                |

# GOOGLE'S REPLY IN SUPPORT OF ITS OPPOSED MOTION FOR INDICATIVE RULING UNDER FEDERAL RULE OF CIVIL PROCEDURE 62.1

On November 18, 2021, Defendant Google LLC moved under Federal Rule of Civil Procedure 62.1 to request that the Court indicate whether it would supplement the record to include such analysis. Rule 62.1 provides an avenue for the court to indicate whether it would supplement the record. Google respectfully requests that the Court grant Google's Rule 62.1 motion and indicate that the Court would grant the motion to supplement the record, at which time Google will "promptly notify the [Clerk for the U.S. Court of Appeals for the Federal Circuit] under Federal Rule of Appellate Procedure 12.1 . . . that [this Court] would grant the motion," Fed. R. Civ. P. 62.1. In that notice, Google will also request that the Federal Circuit order a limited remand to this Court, while otherwise "retain[ing] jurisdiction" over the parties' appeal, Fed. R. App. P. 12.1, so that this Court may supplement the record to include further claim construction analysis.

Date: December 3, 2021

## Respectfully submitted,

/s/ Tharan Gregory Lanier with permission, by Michael E. Jones

Tharan Gregory Lanier (pro hac vice)

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